

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-HC-2103-D

MICHAEL DWAYNE ROGERS,)
)
 Petitioner,)
)
 v.)
)
PATSY CHAVIS,)
)
 Respondent.)

ORDER

On January 10, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 19]. In that M&R, Judge Numbers recommended that respondent’s motion for summary judgment [D.E. 12] be granted and that Michael Dwayne Rogers’ (“Rogers”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. No objections have been filed to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 19].

Respondent's motion for summary judgment [D.E. 12] is GRANTED, Rogers' petition is DISMISSED, and the court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk of court shall close the case.

SO ORDERED. This 19 day of February 2017.



JAMES C. DEVER III
Chief United States District Judge